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SENSITIVE

SIPDIS

STATE FOR G/TIP (B. FLECK), G (A.C. BLANK), INL,
DRL, PRM, WHA/PPC

E.O. 12958: N/A

TAGS: [PHUM](#) [SMIG](#) [ASEC](#) [PREF](#) [ELAB](#) [KCRM](#) [KWMN](#)

KFRD, KTIP, CA

SUBJECT: CANADA'S TIP REPORT SUBMISSION

REF: STATE 132759

1. (SBU) OVERVIEW OF CANADA'S TIP SITUATION

1A. The Government of Canada collects trafficking in persons (TIP) information through a number of sources, including police and court-reported data and reported case law. The 2008 Annual Criminal Intelligence Service Canada Report on Organized Crime is available on-line and provides a general assessment of trafficking in persons. The Department of Citizenship and Immigration (CIC) collects data on the issuance of temporary resident permits to foreign nationals who are suspected of trafficking. The government is currently studying the feasibility of a national data collection framework. The Royal Canadian Mounted Police (RCMP) National Missing Children Services has begun a national probe to determine the scope of domestic trafficking as it relates to children and youth. In addition, the RCMP's Human Trafficking National Coordination Center has begun working on a national threat assessment focusing on international trends to assess the extent of trafficking into Canada. In 2006, Canada and the USG jointly prepared a U.S.-Canada Bi-National Assessment of Trafficking in Persons.

1B. Canada is principally a transit and destination country for trafficking in persons, but is also a source country for domestic victims of trafficking. NGOs estimate that approximately 2,000 people are subject to trafficking into Canada each year. In 2004, the RCMP had estimated that approximately 600-800 persons were trafficked into Canada annually and that an additional 1,500 to 2,200 persons were trafficked through Canada into the United States.

According to the government, the majority of trafficking cases encountered within Canada involve Canadian nationals who are trafficked wholly within Canada. Most organized crime groups have the

capacity to move multiple victims simultaneously, typically inter-provincially.

According to the government, victims of trafficking to or through Canada come primarily from Asia -- in particular China, the Philippines, Thailand, Cambodia, Malaysia, Vietnam -- as well as parts of Africa, Eastern Europe, and Russia. Victims trafficked to Canada end up mostly to Vancouver, Toronto, and Montreal. (A member of South Korea's national police force is posted to the South Korean consulate in Vancouver in part to assist with trafficking matters.) Canadian intelligence indicated, and Canadian law enforcement findings supported, that trafficked persons in Canada are predominantly forced to work in the sex trade. A study by the Criminal Intelligence Service Canada (CISC) confirmed that a link exists between organized crime networks and trafficking for sexual exploitation in Canada. Canada is also to a lesser extent a labor trafficking destination, with ongoing investigations into several cases of labor exploitation.

1C. Reported case law confirmed that victims face sexually exploitation within Canada in various venues. Trafficking victims often receive promises of well paying jobs as caregivers, waitresses, models, or other legal occupations. The use of threats or other forms of coercion sometimes compels

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victims to perform services. According to NGOs and victim assistance organizations, labor trafficking victims often enter Canada legally with a valid work permit. In many cases, the victims, especially from Asia, paid "recruiting agencies" in their home countries to arrange agricultural jobs in Canada. Once in Canada, "agents" then inform them they are in Canada illegally and threaten to have them deported if they try to escape.

1D. Reported case law also indicated that those at greatest risk of becoming victims of trafficking are likely to be those who face the greatest social, economic, and legal inequality. Although Canada is not a significant country of origin for victims, Canadian nationals are trafficked domestically. A report from the Standing Committee on the Status of Women cited testimony that aboriginal females are at the greatest risk of becoming victims of trafficking.

Governmental efforts to enhance border integrity and security have helped limit the number of irregular migrants entering Canada. The number of improperly documented arrivals (IDAs) at Canada's airports was at its lowest since the collection of these statistics began in 1989.

1E. As the 2006 U.S.-Canada Bi-National Threat Assessment highlighted, traffickers tended to be members of larger criminal organizations, members of small criminal groups, or individual criminals. Organized crime groups are involved in transnational trafficking to varying degrees. This can range from involvement in a specific phase of the TIP cycle (e.g. transport) to the facilitation of entire operations, including coordinating exploitation in the commercial sex trade.

Trafficking victims enter Canada through both legal and illegal means. Some enter with genuine passports, entry documents, and/or work visas. Others use falsified or altered entry documents,

such as photo substitutions, or gain entry as impostors. Fraudulent offers of employment sometimes support applications to obtain visas and convince border and consular officials that victims intend to return to their countries of origin. Traffickers sometimes also bring victims into Canada utilizing established smuggling routes and methods.

According to the 2008 Annual Criminal Intelligence Service Canada Report on Organized Crime, a small number of organized crime groups, mostly based in British Columbia and Quebec, are involved in the facilitation of international human trafficking. Several gangs are active in domestic trafficking for sexual exploitation by facilitating the recruitment, control, movement, and exploitation of Canadian-born females in the domestic sex trade, primarily in strip bars in several cities across the country.

12. (SBU) THE GOVERNMENT'S ANTI-TIP EFFORTS

1A. The Canadian government recognizes the serious nature of human trafficking, and is committed to combating human trafficking at home and abroad, working with domestic and international partners.

1B. The Interdepartmental Working Group on QB. The Interdepartmental Working Group on Trafficking in Persons (IWGTIP) coordinates all federal anti-trafficking efforts, bringing together

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seventeen federal departments and agencies. Working group chairs rotate, with senior officials from the Departments of Justice and of Public Safety as the current co-chairs. The IWGTIP also includes the Canada Border Services Agency (CBSA), the Department of Canadian Heritage, the Canadian International Development Agency (CIDA), Criminal Intelligence Service Canada (CISC), the Department of Citizenship and Immigration (CIC), the Department of National Defence (DND), the Department of Foreign Affairs and International Trade (DFAIT), the Department of Health, the Department of Human Resources and Social Development, the Department of Indian and Northern Affairs, the Passport Agency, the Public Prosecution Service, the Royal Canadian Mounted Police (RCMP), the Statistics Bureau, and the Status of Women agency.

1C. There are no systemic limitations on the Canadian government's ability to address TIP, apart from jurisdictional issues between the federal and provincial/territorial levels. There is no evidence of corruption by Canadian authorities in trafficking matters. The Canadian government would investigate and prosecute any allegations of corruption in accordance with Canadian law. Canada ratified the UN Convention against Corruption in October 2007. IWGTIP coordinates Canada's federal anti-trafficking efforts.

Due to Canada's immigration laws, many labor trafficking victims enter Canada legally, making it difficult to identify and investigate these cases. NGOs have called for the government to commit additional resources to fight labor trafficking and investigate employers suspected of exploitation.

1D. The IWGTIP coordinates and monitors federal anti-trafficking efforts. The Minister of Citizenship, Immigration, and Multiculturalism's annual report to Parliament on immigration policy includes data on the number of temporary resident permits issued to victims of human trafficking. Canada shares its best practices and makes available its assessments

in a range of international fora, including the OAS, OSCE, UN, G8, the Bali Process, and the Regional Conference on Migration (RCM). As an RCM member, Canada participates in its Liaison Officer Network to Combat Trafficking In Persons and Migrant Smuggling, which meets twice a year. Canada made several presentations related to trafficking at RCM meetings in 2007 and 2008, and provides an annual update to the RCM's Comparative Matrix of Legislation Against Trafficking In Persons and Smuggling of Migrants in RCM Member Countries.

Canada played an active role at the Conference of the Parties to the United Nations Convention Against Transnational Organized Crime held in Vienna October 8-17, 2008. Canada participated in a technical meeting on a resolution to establish an open-ended interim working group to advise and assist the Conference in implementing its mandate with regards to the Trafficking In Persons protocol. Canada also shared best practices in identifying fraudulent documents.

The Department of Public Safety has funded a study by the Statistics Bureau on the feasibility of establishing a national TIP statistics data collection framework, including consultations with key stakeholders. The study is ongoing, so the

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outcome is not yet available.

13. (SBU) INVESTIGATION AND PROSECUTION OF TRAFFICKERS

1A. Canada's criminal laws prohibit trafficking in persons regardless of whether the trafficking occurs wholly within Canada or whether it involves bringing victims into Canada for the purpose of exploitation. Criminal laws apply across Canada and provide a uniform approach to addressing trafficking in persons and related conduct.

There have been no legislative changes to Canada's laws against trafficking during the reporting period. The Criminal Code of Canada contains three specific indictable offenses to combat trafficking in persons:

Section 279.01 - (1) Every person who recruits, transports, transfers, receives, holds, conceals or harbors a person, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation is guilty of an indictable offense and liable (a) to imprisonment for life if they kidnap, commit an aggravated assault or aggravated sexual assault against, or cause death to, the victim during the commission of the offense; or (b) to imprisonment for a term of not more than fourteen years in any other case. (2) No consent to the activity that forms the subject-matter of a charge under subsection (1) is valid.

Section 279.02 - Every person who receives a financial or other material benefit, knowing that it results from the commission of an offense under subsection 279.01(1), is guilty of an indictable offense and liable to imprisonment for a term of not more than ten years.

Section 279.03 - Every person who, for the purpose of committing or facilitating an offense under subsection 279.01(1), conceals, removes, withholds or destroys any travel document that belongs to

another person or any document that establishes or purports to establish another person's identity or immigration status is guilty of an indictable offense and liable to imprisonment for a term of not more than five years, whether or not the document is of Canadian origin or is authentic.

Section 279.04 clarifies that for the purposes of sections 279.01 to 279.03, a person exploits another person if they (a) cause them to provide, or offer to provide, labor or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labor or service; or (b) cause them, by means of deception or the use of threat of force or of any other form of coercion, to have an organ or tissue removed.

These specific TIP offenses were enacted in 2005 through Bill C-49, "An Act to Amend the Criminal Code, (trafficking in persons)," and supplemented previously existing Criminal Code offenses that are applicable to trafficking in persons cases, including kidnapping, forcible confinement, uttering threats, extortion, sexual assault, prostitution-

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related offenses, and criminal organization offenses.

The Immigration and Refugee Protection Act (IRPA), which came into force in June 2002, also included a human trafficking offense (Section 118) that applies to cases involving trans-border trafficking, as well as offenses that are applicable to trafficking. The trafficking-related IRPA citations read:

Section 117 - (1) No person shall knowingly organize, induce, aid or abet the coming into Canada of one or more persons who are not in possession of a visa, passport, or other document required by this Act. (2) A person who contravenes subsection (1) with respect to fewer than 10 persons is guilty of an offense and liable (a) on conviction on indictment (i) for a first offense, to a fine of not more than C\$500,000 (approximately US\$471,698) or to a term of imprisonment of not more than 10 years, or to both, or (ii) for a subsequent offense, to a fine of not more than C\$1,000,000 (US\$943,396) or to a term of imprisonment of not more than 14 years, or to both; and (b) on summary conviction, to a fine of not more than C\$100,000 (US\$94,340) or to a term of imprisonment of not more than two years, or to both. (3) A person who contravenes subsection (1) with respect to a group of 10 persons or more is guilty of an offense and liable on conviction by way of indictment to a fine of not more than C\$1,000,000 (US\$943,396) or to life imprisonment, or to both. (4) No proceedings for an offense under this section may be instituted except by or with the consent of the Attorney General of Canada.

Section 118 - (1) No person shall knowingly organize the coming into Canada of one or more persons by means of abduction, fraud, deception or use of threat of force or coercion. (2) For the purpose of subsection (1), "organize", with respect to persons, includes their recruitment of transportation and, after their entry into Canada, the receipt or harboring of those persons.

Section 119 - A person shall not disembark a person or group of persons at sea for the purpose of

inducing, aiding or abetting them to come into Canada in contravention of this Act.

Section 120 - A person who contravenes section 118 or 119 is guilty of an offense and liable on conviction by way of indictment to a fine of not more than C\$1,000,000 (US\$943,396) or to life imprisonment, or to both.

Section 121 - (1) The court, in determining the penalty to be imposed under subsection 117(2) or (3) or section 120, shall take into account whether (a) bodily harm or death occurred during the commission of the offense; (b) the commission of the offense was for the benefit of, at the direction of or in association with a criminal organization; (c) the commission of the offense was for profit, whether or not any profit was realized; and (d) a person was subjected to humiliating or degrading treatment, including with respect to work or health conditions or sexual exploitation as a result of the commission of the offense. (2) For the purposes of paragraph (1)(b), "criminal organization" means an organization that is believed on reasonable grounds to be or to have been engaged in activity that is part of a pattern of criminal activity planned and

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organized by a number of persons acting in concert in furtherance of the commission of an offense punishable under an Act of Parliament by way of indictment or in furtherance of the commission of an offense outside Canada that, if committed in Canada, would constitute such an offense.

In addition, the Criminal Code contains numerous provisions targeting those who sexually exploit children or who seek to profit from such exploitation. Section 212(2) prohibits living on the avails of the prostitution of a person under the age of 18, carrying a maximum punishment of 14 years and a mandatory minimum of 2 years. Section 212(2.1) is an aggravated offence prohibiting the procuring of a young person into prostitution for profit and the use of threats or violence, incurring a maximum punishment of 14 years and a mandatory minimum of 5 years. Section 212(4) makes it an offense to obtain, or communicate for the purpose of obtaining, for consideration, the sexual services of a person who is under 18 years of age, with a maximum punishment of 5 years and a mandatory minimum of 6 months.

1B. Criminal Code Section 279.01 states that the maximum penalty for a person convicted of a trafficking in persons offense, including trafficking for the purpose of sexual exploitation, is life imprisonment where it involves kidnapping, aggravated assault, or sexual assault, or death and a maximum penalty of 14 years in all other cases. The maximum penalty for a trafficking in persons conviction under IRPA is life imprisonment and/or a fine not exceeding C\$1,000,000 (US\$943,396). For information on penalties imposed during the reporting period, see Section 3 (E).

1C. The provisions outlined above apply equally to trafficking for the purposes of forced labor, with the same penalties. Canada's criminal laws can also apply to offenses that have taken place, in part, in another country, provided that a significant portion of the activities constituting the offense took place in Canada. For information on penalties imposed during the reporting period, see Section 3 (E).

Provinces and territories have primary responsibility for enforcement of labor standards, which apply equally to temporary foreign workers and Canadian workers. Some provinces have, or are developing, measures to regulate the activities of third party recruiters. See Section 5 (A) for examples of recent provincial and territorial initiatives.

1D. The penalties for sexual assault offenses are: a maximum of 10 years for sexual assault; a maximum of 14 years imprisonment with a mandatory minimum penalty of four years where a firearm is used for sexual assault with a weapon; and, a maximum of life imprisonment with a mandatory minimum penalty of four years where a firearm is used for aggravated sexual assault.

The 2008 "Tackling Violent Crime Act" strengthened the Criminal Code's Dangerous Offender provisions by giving the police, Crown prosecutors, and courts increased ability to manage the threat posed to the Qincreased ability to manage the threat posed to the general public by individuals at very high risk to re-offend sexually and violently. These reforms

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included providing more effective sentencing and monitoring to prevent dangerous, high-risk offenders from offending again and increasing the mandatory minimum penalties for serious offences involving the use of a firearm such as sexual and aggravated sexual assault as well as kidnapping.

1E. There were investigations, prosecutions, convictions, and sentences for human trafficking offenses during the reporting period. The RCMP was involved in numerous trafficking in persons investigations during the reporting period, including in partnership with municipal police forces across Canada and, in some cases, with U.S. state or federal law enforcement agencies. The Statistics Bureau's Canadian Center for Justice Statistics (CCJS) collects annual police-reported crime statistics through the Uniform Crime Reporting Survey (UCR2), as well as cases processed through the courts. The UCR2 data includes the number of criminal incidents of TIP that were detected or recorded by police within a calendar year. The most recent reporting period for these data sources is the 2007 calendar year; crime data from the CCJS is not yet available for the period from April 2008 to February 2009.

The Adult Criminal Court Survey (ACCS) is a national database of statistical information on the number of appearances, charges, and cases in adult criminal courts. The survey is intended to be a census of federal statute charges heard in provincial and superior criminal courts in Canada. The data is collected by the CCJS in collaboration with provincial and territorial departments responsible for adult criminal courts.

The government has noted that some municipal, territorial, and provincial investigations, prosecutions, and convictions of trafficking-related cases may not have been reported to the federal government. The government recognizes that CCJS, UCR2, and ACCS statistics likely do not represent all trafficking cases in the criminal justice system. This is due to a variety of factors, including the challenge of identifying data reported by the police and courts as "trafficking" cases. For example, charges and/or convictions in human trafficking cases may be laid and/or prosecuted under trafficking-specific or other non-trafficking-

specific offenses, such as kidnapping or aggravated sexual assault. In addition, the number and type(s) of charges laid and reported by police may subsequently change (either at the pre-court stage or during the court process) by the time of conviction.

However, the RCMP has confirmed some ongoing TIP cases and convictions. The reporting period marked Canada's first-ever convictions for TIP offenses under criminal code amendments passed in 2005, with three men pleading guilty. All three cases involved domestic human trafficking for sexually exploitive purposes, involving both adult and child victims from Canada. In all cases, time was served or is being served.

In Regina (The Crown) v Nakpangi, the Ontario Court of Justice sentenced a man to five years imprisonment (3 years for trafficking and 2 years for child prostitution, to be served consecutively) under Criminal Code sections 279.01 (trafficking in persons) and 212(2) (living on the avails of prostitution of a minor). He is now serving his sentence.

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In Regina v Leonard-St. Vil, the Ontario Court of Justice sentenced a man to three years imprisonment, plus three years probation, under Criminal Code sections 279.01 (trafficking in persons) and 212 (living on the avails of prostitution). He served his time and is now under probation.

According to the Department of Justice, a third conviction took place in Quebec, where a man received prison sentences of two years under Criminal Code section 279.01 (trafficking in persons) and two years under section 212 (procuring), to be served concurrently. He is now serving his sentence.

The Department of Justice has also confirmed that 12 additional cases with 17 accused are currently before the courts involving human trafficking charges for sexually exploitative purposes under section 279.01 and/or section 279.03 of the Criminal Code. These cases involved both adult and child victims. Available information indicated that these victims originated from within Canada.

In Regina v Ng, the first prosecution under IRPA Section 118, the British Columbia Court of Appeal increased Ng's sentence by one year for prostitution-related offenses, following an appeal by the Attorney General. He has served time.

NGOs have commented that Canada should more proactively seek out instances of trafficking by investigating massage parlors and escort services and that Canada's "reactive" approach to trafficking was one reason for its lack of trafficking convictions.

1F. The RCMP provides law enforcement training on trafficking in persons bi-annually at its Immigration and Passport Investigators Course for its own staff and officials from other agencies and police forces. The week-long training session includes a full day dedicated to trafficking in persons and includes in-depth informative training and discussion on relevant sections of the IRPA and the Criminal Code, as well as training on current investigative techniques and identification of potential victims.

In addition, in 2008 the RCMP's Human Trafficking National Coordination Center (HTNCC) organized a series of regional events involving an integrated training approach for front-line officers. These week-long events consisted of presentations by the RCMP, Department of Justice, Status of Women agency, CBSA, CIC, and the Public Prosecution Service, along with presentations of TIP case studies from municipal police services across Canada. Crown prosecutors and NGOs were also invited to participate in these workshops. During the reporting period, sessions took place in St. John's, Newfoundland and Labrador; Charlottetown, Prince Edward Island; Vancouver, British Columbia; Windsor, Niagara Falls, Hamilton, Ottawa, and Cornwall in Ontario; Winnipeg, Manitoba; and Quebec City and St-Jean D'Iberville, Quebec. In 2008, approximately 1200 law enforcement officers, border services officers, and prosecutors participated in these anti-TIP workshops.

During various training courses, presenters provided
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information on the temporary resident permit (TRP) available to foreign nation victims of trafficking. Presenters also provided participants with a 24-hour toll-free number should they need more information on the program during non-business hours.

The HTNCC also provides TIP awareness to new RCMP recruits before they enter the field. During the reporting period, HTNCC members delivered TIP awareness presentations to recruits at the RCMP National Academy in Regina, Saskatchewan, RCMP liaison officers during their annual workshop, law enforcement officers attending the Canadian Police College's Organized Crime and CISC courses, and to all law enforcement officers who will take part in UN peacekeeping missions in Haiti and Ivory Coast.

In addition to the TIP workshops, both the HTNCC and the RCMP's human trafficking awareness coordinators (HTACs) organized TIP awareness sessions for approximately 3500 law enforcement officers, prosecutors, and government employees, as well as about 4,000 representatives from civil society.

The RCMP has updated the existing TIP reference guide for Canadian law enforcement to include additional information about identification and protection of victims and tips for interviewing victims. Training for law enforcement officers includes sensitization to the special needs of victims prior to execution of operations, i.e. prior to a raid on a massage parlour where both victims and offenders may be onsite. The RCMP has also developed step-by-step guidelines on how to treat victims. The RCMP, in conjunction with its federal partners, prepared an anti-TIP training video containing information about the identification and protection of victims for use by NGOs, law enforcement groups, and the public. The RCMP updated its training video to include information about domestic human trafficking cases as well as trafficking for forced labor. In addition, the RCMP developed new anti-trafficking posters, pamphlets, a police officer handbook, and an investigator guide book and pocket card, which includes contact information on how to report cases to law enforcement through an anonymous toll-free hotline that is administered by the Canadian Crime Stoppers Association. These materials are in the tool kits

that were distributed to all local, provincial, and federal police services across Canada in early 2009.

Immigration officers working both in Canada and abroad receive training on TIP, including how to recognize and interact with a potential TIP victim, referral services, and training on new immigration guidelines. The CIC is also developing an interactive computer-based training package for officers already in the field. This electronic training package is targeted at both CIC and CBSA officers who might encounter trafficking victims.

CBSA Migration Integrity Officers (MIOs) receive extensive specialized training, including on the detection of migrant smuggling and trafficking in persons, and passport and document fraud, as well as on intelligence collection and reporting, identification of inadmissible persons, and threats to national security. All CBSA Border Services Officers undergo TIP-awareness training during their 13 week Port of Entry Recruit Training program at

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the CBSA Learning Center in Rigaud, Quebec.

CBSA has developed a manual for border services officers dealing with cases of human trafficking. The manual provides information on how officers can detect human trafficking, protect victims of trafficking by separating them from the control of the trafficker and referring them to appropriate government services, and support the investigation and prosecution of trafficking offenders.

CBSA officers at Ports of Entry receive training on the special needs of children who may have been smuggled or trafficked through the "Our Missing Children" program, which trains officers in identifying and assisting missing and abducted children, including sensitivity training and special procedures in the conduct of interview with children. CIC has published guidelines on how to deal with vulnerable victims for use by both CIC and CBSA officers.

In 2008, Department of Justice officials continued to work closely with the UN Office on Drugs and Crime (UNODC) on the development of an advanced training manual for law enforcement, prosecutors, and the judiciary, as well as model legislation addressing not only the criminal law requirements contained in the "Trafficking Protocol," but also measures to provide assistance and protection to trafficking victims. In October 2008, Department of Justice officials participated in a UNODC experts' group meeting to develop a standardized set of tools to enable governmental and international organization experts to conduct a comprehensive assessment of a country's criminal justice response to human trafficking.

1G. Canada cooperates fully with other governments in the investigation and prosecution of trafficking cases. In addition to ratifying the Convention against Transnational Organized Crime and its protocols on migrant smuggling and TIP, Canada has bilateral and multilateral treaties dealing wholly or partially with mutual legal assistance. Canada's "Mutual Legal Assistance in Criminal Matters Act" enables Canadian authorities to respond to treaty requests to obtain search warrants, evidence gathering orders, and other warrants available under the Criminal Code on behalf of a requesting state assuming the legal and evidential basis for the

order exists.

During the reporting period, the Department of Justice again received one request for mutual legal assistance in relation to a trafficking case that is currently under investigation by another country. The RCMP continues to participate in a Canada/China working group on law enforcement, including trafficking in persons investigations between both countries.

RCMP International Liaison Officers are stationed throughout the world, responsible for developing and maintaining liaison as well as exchanging information with foreign officials and international partners, often in source countries in Asia and Eastern Europe. The RCMP and municipal police services are involved in several international Qservices are involved in several international trafficking in persons investigations.

The RCMP is an active member of the Interpol Working

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Group on Trafficking in Human Beings and has attended Working Group meetings in Lyon, Bucharest, and Asuncion. In September 2008, the RCMP attended the 9th Working Group meeting held in Windhoek, Namibia, where the RCMP updated the group on new Canadian human trafficking initiatives. The meeting also enabled intelligence gathering on new human trafficking trends and sharing of best practices for combating TIP.

¶H. Canada cooperates with other countries to extradite individuals, including its own nationals, when trafficking offenses take place abroad. Canada's Extradition Act, along with various extradition agreements, provides the legal framework to extradite persons from Canada at the request of an extradition partner for the purposes of prosecuting that person, imposing a sentence, or enforcing a sentence on that person. Generally, the offense for which the extradition is requested must be punishable by imprisonment of at least two years.

¶I. There is no evidence of any government involvement in, or tolerance of, trafficking. See Section 2 (C).

¶J. There is no evidence of any government involvement in trafficking in persons. See Sections 2 (C) and 3 (J).

¶K. The Criminal Code prohibits three classes of activities related to prostitution: keeping or being an inmate in a common bawdy-house (S.210); procuring or living on the avails of prostitution (S.212); and, communicating in a public place for the purpose of engaging in prostitution (S.231).

All prostitution involving minors (under age 18) is illegal and subject to mandatory minimum sentences. Criminal Code subsection 212(2) imposes a maximum penalty of 14 years imprisonment for living on the avails of the prostitution of a person under 18 years. Subsection 212(2.1) imposes a mandatory minimum penalty of 5 years and a maximum of 14 years for living on the proceeds of the prostitution of a person under 18 through the use of force/intimidation/ coercion. Subsection 212(4) prohibits obtaining for consideration the sexual services of a minor, or communicating with anyone for that purpose, and imposed a mandatory minimum penalty of 6 months and a maximum of 5 years imprisonment.

¶L. There are no known cases of any Canadian Forces or officials abroad engaging in or facilitating trafficking in persons. The government has pledged vigorously to investigate and, as appropriate, prosecute any officials suspected of such involvement under Canada's laws. See also Section 2 (F) for information on TIP training for peacekeepers in Haiti and Ivory Coast.

The Department of National Defence is committed to comprehensive implementation of the NATO Policy on Combating Trafficking in Human Beings. The Canadian military justice system has jurisdiction to address disciplinary issues involving Canadian Forces (CF) members who are participating in operations outside of Canada, even while members of the CF are involved in a UN or other international operation. In particular, Part III of the ?National Defence Act? particular, Part III of the ?National Defence Act? (NDA) (also known as the Code of Service Discipline

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or CSD), details who is subject to the CSD, and liable to be charged and tried for an alleged service offence, whether the offence is committed in or outside Canada. The NDA also defines the term ?service offence? to include all offenses under the NDA, the Criminal Code, and any other Act of Parliament.

In addition to dealing with service offences based on Canadian laws, disciplinary action under the CSD can also address an alleged act or omission committed by someone subject to the CSD while outside Canada when that act or omission is an offense under the law in the place where it occurs.

¶M. Canada is a source country for sex tourists. According to NGOs and activists, anecdotal evidence suggests Canada may also be a destination country for sex tourists from the United States. In February 2008, the Parliament acted to help protect children by passing the "Tackling Violent Crime Act," which raised the age of consent to sexual activity (non-commercial) from 14 to 16 years old.

The Criminal Code allows Canada to prosecute Canadian citizens and permanent residents who sexually assault children abroad when the alleged criminal is not charged or convicted by the country in which the offense is alleged to have been committed. An amendment to the Code in 1997 permitted the prosecution of Canadian citizens or permanent residents who engage in prohibited sexual activity with children while abroad (subsection 7(4.1)), including seeking/obtaining the sexual services of any person under 18 years. This legislation stipulated that Canada could initiate prosecution only at the request of the country where the crime reportedly happened, as well as the consent of Canada's Attorney General, except in cases of child prostitution. In 2002, Parliament passed "An Act to Amend the Criminal Code and to Amend Other Acts," which simplified the process of prosecuting Canadians who sexually assault children abroad by removing the requirement that the country in which the crime was committed must request the criminal be prosecuted in Canada.

To date, there have been three Canadians convicted under laws against child sex tourism committed abroad. In November 2008, Armand Huard and Denis Rochefort (who had been charged in February 2008) pled guilty, with Huard sentenced to 3 years imprisonment for sexually abusing young orphans in

Haiti, and Rochefort sentenced to 2 years imprisonment and 3 years probation. In 2005 in Regina v. Bakker, a Vancouver hotel worker pled guilty to acts of sexual aggression (seven of which were against a minor in Asia), and received a 10 year prison sentence. Other cases remain before the courts. From 1997 to September 2007, there were at least 110 cases involving Canadians charged with or prosecuted by destination countries for engaging in child molestation.

Despite Canada's efforts in this regard, NGOs and experts have claimed that, since Canada has the necessary laws on the books, it should enforce these laws more actively. Specifically, they have recommended that Canada station RCMP officers abroad dedicated solely to investigating sex tourism, and have criticized Canada for seeming to prefer that the country in which the crime was alleged to have

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taken place prosecute Canadian and other foreign sex tourists.

14. (SBU) PROTECTION AND ASSISTANCE TO VICTIMS

1A. Witness protection is provided by both the nationwide federal government under the ?Witness Protection Program Act? (WPPA) as well as provincially-administered programs. A human trafficking victim could be eligible to receive protection under either the federal or provincial programs to assist law enforcement and prosecution.

The federal WPPA program under the RCMP provides the legal framework to protect persons who provide sensitive assistance to law enforcement agencies. While services offered to witnesses are decided on a case-by-case basis, protection can include relocation, accommodation, and change of identity, as well as counseling, training, and financial support to ensure the person's safety and to facilitate their rehabilitation. As of February 2008, no victims of human trafficking have applied for protection under this program. NGOs have argued that the government should improve communication with victims of human trafficking regarding witness protection programs.

Victim services are the responsibility of provincial/territorial governments. Each of the provinces and territories has set up victim services using court-based or police-based models. The specific services vary but include provision of information, support and referral, counseling, court preparation, assistance in the completion of victim statements. Some provinces provide specialized services for TIP victims, such as assistance under provincial family violence legislation, sexual assault/rape crisis centres, violence awareness programs for women, partner assault response programs, and targeted programs for women and children, child victims, and Aboriginal victims. See also Section 4 (B and D) for further information on protection of TIP victims.

1B. There are victim care facilities accessible to trafficking victims, including foreign victims. The protection of victims of all crime, including trafficking, is a shared responsibility between the federal and provincial/territorial governments. Numerous programs and services are available to victims of crime, including trafficking victims, ranging from health care to emergency housing and

social and legal assistance. Each province and territory separately administers legal aid programs, with eligibility based primarily upon financial need. Similarly, social services such as emergency financial assistance, including food allowances and housing, are administered at the provincial and territorial levels and available to those in need.

NGOs and faith-based organizations have claimed that the majority of victims rely upon them for assistance such as shelter and food. Some of these organizations receive government funding. See Section 4 (C).

Provinces and territories are primarily responsible for the administration and enforcement of laws related to children and youth, as well as the provision of socio-legal services geared towards

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children. All provinces and territories have child protection laws and agencies responsible for assisting children in need, focused on the principle of protecting the best interest of the child. Where a child is in need of protection, an array of services to meet the needs of the child comes into play.

In October 2007, a Member of Parliament submitted a non-binding motion (M-217) to the House of Commons urging the government to establish safe houses under federal jurisdiction but run by NGOs to provide medical treatment and shelter for trafficking victims. The motion included a stipulation that authorities provide female immigrants aged 15 to 21 years old with the shelters' telephone numbers upon arrival in Canada. The Commons did not debate the motion before the 39th Parliament came to an end before the October 2008 federal election.

1C. Trafficking victims have access to legal, medical, and psychological services. The federal and provincial/territorial governments share responsibility for responding to the needs and concerns of TIP and other crime victims. The federal government's role focuses on application of the Criminal Code and related criminal statutes. The provinces and territories are primarily responsible for providing services and assistance to victims of crime. All federal, provincial, and territorial Attorneys General in 2003 re-affirmed commitment to the Canadian Statement of Basic Principles of Justice for Victims of Crime.

The federal government provides funding to foreign and domestic NGOs for services to TIP and other crime victims. In 2000, the government established the Victims' Fund at the Department of Justice to encourage the development of new approaches to meet the needs of victims. Community groups and NGOs may apply to the Victims' Fund to develop programs to fill gaps in the delivery of services to victims. The Policy Center for Victim Issues at the Department of Justice also provides victim support by commissioning research on victim-related issues, creating and disseminating fact sheets on victim issues, and consulting with NGOs and victims.

In 2008, the government continued to support TIP and other crime victims through ongoing funding of C\$5 million (US\$4.7 million) per year to support initiatives designed to increase victims' confidence in the criminal justice system, to raise awareness about the needs of crime victims, and to facilitate the provision of available services and assistance

to victims and their families. In 2007, the government allocated an additional C\$52 million (US\$49million) for use over four years on programs, services, and funding to support federal, provincial, and territorial efforts to meet the needs of TIP and other crime victims. The mandate of the federal Ombudsman for Victims of Crime (established in April 2007) includes promoting access to federal governmental programs and services available to TIP and other crime victims, addressing complaints about compliance with the provisions for TIP and other crime victims in the ?Corrections and Conditional Release Act,? and identifying issues that have a negative impact on victims. The Ombudsman has identified the sexual abuse of children and the distribution of child sexual abuse images as priority issues.

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As noted in Section 4 (D), foreign nationals who may be TIP victims can receive a Temporary Resident Permit (TRP). Permit-holders have access to Canada's Interim Federal Health Program (IFHP), ensuring that they receive the immediate medical attention required. The IFHP covers essential and emergency health services for the treatment and prevention of serious medical conditions and the treatment of emergency dental conditions. In the case of trafficking victims, trauma counselling is also included.

DFAIT and CIDA provide technical assistance and foreign aid to support the prevention of trafficking, the prosecution of traffickers, and the protection of victims, including:

- CIDA, in partnership with Save the Children Canada, funds Fight against Child Trafficking in West Africa, which aims to eliminate the trafficking of children into forced labor and to support the rehabilitation of children who have been trafficked in West Africa. The project ?Fight Against Child Trafficking In West Africa? also aims to reduce the vulnerability and exploitation of migrant children in the trans-boundary area between Mali and Burkina Faso, and along the borders of Guinea and Ivory Coast;
- CIDA supports the OSCE/ODIHR Anti-Trafficking Program European regional program to combat trafficking, which is working to coordinate and implement activities across the former Soviet Union and Southeast Europe;
- From 2004-2010, CIDA supports the Southeast Asia Regional Cooperation in Human Development (SEARCH) program, which works with the United Nations Interagency Program (UNIAP) to address trafficking in persons in the Greater Mekong Sub-region.

1D. The government assists foreign trafficking victims. Guidelines introduced in May 2006 allow immigration officers to issue short-term, fee-exempt, Temporary Resident Permits (TRPs) to victims of human trafficking. TRP holders have access to Canada's Interim Federal Health Program (IFHP), which covers essential and emergency health services for the treatment and prevention of serious medical conditions and the treatment of emergency dental conditions. In the case of trafficking victims, trauma counseling is also included.

In June 2007, Canada's Minister of Citizenship and Immigration extended the length of TRPs for victims of human trafficking from 120 days to 180 days. Victims are eligible to apply for a fee-exempt work

permit. Depending on the circumstances of individual cases, victims can seek renewal of their TRPs at the end of the 180-day period, and may be eligible for long-term TRPs for up to three years.

Trafficking victims are not required to testify against their trafficker to gain temporary or permanent immigration status. Canada has undertaken efforts to encourage the participation of victims in supporting the prosecution of alleged offenders, including the provision of victim support and assistance and the use of testimonial aids.

Persons who claim risk of persecution, torture, or cruel and unusual treatment or punishment upon return to their countries of nationality may make an

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in-Canada refugee claim. However, NGOs have expressed concern that victims of trafficking choosing to make an in-Canada refugee claim are not always identified as victims of human trafficking in Canada's TIP statistics.

In February 2009, a Canadian Senator introduced the Victims of Human Trafficking Protection Act as a private member's bill to codify as law the procedures for trafficking victims to receive temporary resident status. The bill would amend IRPA to provide for the issuance of a victim protection permit authorizing a trafficking victim to remain in Canada as a temporary resident for 180 days, or for three years in certain circumstances. The bill remains under consideration in the Senate. The Senate had previously debated two earlier versions of the same bill, without passage.

1E. The government provides longer-term shelter or housing benefits and other resources to victims, as noted in Section 4 (B). Social programs such as health care, emergency housing, legal aid, and emergency financial assistance are primarily offered by provincial and territorial governments. Canadian citizens and residents are entitled to apply for these services, but eligibility requirements for services based on financial need vary by jurisdiction. None of these services is explicitly linked to whether an individual is a victim of crime.

1F. The government has a referral process to help victims, as noted in Section 4(H). Victim service delivery is the responsibility of provincial/territorial governments. Each of the provinces and territories has set up victim services to address the needs of victims using court-based and police-based models. The specific services offered to victims, including those offered in shelters, may include: the provision of information; support and referral; counseling; court preparation; and assistance in the completion of victim statements. Services are available for all victims of crime, but some provinces provide specialized services, including assistance under provincial family violence legislation, sexual assault/rape crisis centers, violence awareness programs for women, partner assault response programs, and targeted services for women and children and aboriginal victims.

1G. Under Canada's federal system, there is no official mechanism for collecting statistics on identified TIP victims. However, as noted in Section 3 (E), the CCJS collects information on TIP charges and their outcomes. In addition, CIC collects data

on the number of TRPs issued to TIP victims. During the reporting period, 17 TRPs (some of which were re-authorizations) were issued to 15 foreign nationals as victims of trafficking. As noted in Section 2(D), the federal government is conducting a study on the feasibility of establishing a national TIP statistics data collection framework.

¶H. The government's law enforcement, immigration, and social services personnel have a variety of system proactively to identify TIP victims, as system proactively to identify TIP victims, as described in Section 4 (F)

CIC's guidelines to assess whether a foreign national may be a TIP victim include a checklist of

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indicators to assist officers in distinguishing a possible TIP victim from a routine case of irregular migration. When, in the judgment of an officer, an adequate number of indicators are present, the officer has the option of referring the possible TIP victim to CIC for consideration for a TRP. The guidelines instruct both CIC and CBSA officers to take action to ensure the safety of the possible victim and to ensure that the possible victim is separated from the control and custody of any possible trafficker. The officers also must coordinate with NGO and law enforcement partners to ensure the victim will go to a shelter or receive police protection, as appropriate. The guidelines advise officers to proceed with extreme tact and sensitivity once a person is identified as a possible TIP victim. The guidelines also include special provisions for dealing with child TIP victims.

¶I. Canada respects the rights of TIP and other crime victims. The 'Canadian Statement of Basic Principles of Justice for Victims of Crime' outlines the basic principles that guide the development of policy, programs, and legislation pertaining to all victims of crime in Canada. As noted in Section 3 (K), while prostitution is not illegal in Canada, many of the activities surrounding it are illegal. Also, as stated in Section 3 (F), law enforcement officers receive training on how to identify TIP victims and how to show sensitivity to their special needs.

¶J. The government encourages but does not require victims to assist in the investigation or prosecution of alleged trafficking offenders. Canada's Criminal Code contains numerous provisions to facilitate a victim's/witness' participation in criminal proceedings. In 2005, Canada expanded these provisions so that they are available to vulnerable adult victims and witnesses as well, including TIP victims. The provisions include:

Section 486.1 - (1) Authorizes the presence of a support person for a child witness or person with a mental or physical disability when that person testifies in any proceeding unless the support person's presence would interfere with the proper administration of justice. (2) Authorizes the presence of a support person for all other witnesses where doing so would be necessary to obtain a full and candid account from the witness of the acts complained of. In determining whether to permit a support person in this case, the judge/justice must take into consideration the age of the witness, whether the witness has a physical/mental disability, the nature of the offense, the nature of any relationship between the witness and the

accused, and any other circumstances that the judge/justice considers relevant.

Section 486.2 - (1) Authorizes giving of testimony outside of the court room (via closed/circuit television) or behind a screen or other device by a child witness or of a witness who has difficulty communicating evidence by reason of a mental or physical disability. Such measures must not interfere with the proper administration of justice. (2) Authorizes giving of testimony outside the court room (via closed/circuit television) or behind a screen or other device for all other witnesses if the judge/justice is of the opinion that it is

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necessary to obtain a full and candid account from the witness of the alleged acts. In determining whether to permit such measures, the judge/justice must take into consideration the age of the witness, whether the witness has a physical/mental disability, the nature of the offense, the nature of any relationship between the witness and the accused, and any other circumstances that the judge/justice considers relevant.

Sections 714.1-714.4 authorize a witness to provide evidence by means of audio or video technology, where deemed appropriate by the court, from either within Canada or outside Canada.

While the federal government does not keep statistics regarding the number of victims who participated in the investigation and prosecution of TIP offenses, available information indicates that, during the reporting period, at least some TIP victims assisted in investigations and prosecutions.

A TIP or other crime victim is entitled to prepare a victim impact statement, which is a written statement made by the victim that describes the harm done to the victim and, more generally, the impact the crime has had on his/her life. The court must take statement into account when considering the sentence of the guilty.

Civil redress against perpetrators of crime is a matter of provincial/territorial responsibility in Canada. The provinces and territories have enacted legislation in their respective jurisdictions that outline numerous rights for victims of crime, including, in most cases, the right to seek compensation.

In addition, offenders sentenced for TIP offenses under the Criminal Code may receive a restitution order as part of their sentence. A restitution order can cover: the cost of damage to, loss or destruction of the property of any person as a result of the commission of an offense; all pecuniary damages, including loss of income or support, to any person who has suffered bodily harm as the result of the commission of an offense; and, the cost of all actual and reasonable expenses incurred by a member of the offender's household associated with a person having to move out of that household, such as for temporary housing, food, child care, and transportation. Offenders may be required to pay an amount directly to the victim to cover monetary losses or damage to property caused by the crime.

The WPPA provides a legal framework to protect persons who are involved in providing assistance to law enforcement in various matters. Protection can

include relocation, accommodation, and change of identity, as well as counseling and financial support necessary to ensure the security of witnesses and to facilitate their re-establishment and self-sufficiency. The Source Witness Protection Program is housed within the RCMP.

In June 2008, the Manitoba provincial legislative assembly passed legislation to establish a Witness Security Program to provide protection to witnesses who are assessed to be at risk of injury or death if they testify in criminal cases. Saskatchewan is currently in the process of enacting similar

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legislation. Quebec, Ontario, and British Columbia provinces have similar witness protection mechanisms in place.

1K. The government provides a variety of specialized training for government officials in identifying trafficking victims, as described in Section 3 (F).

Canadian embassies, consulates, and other overseas missions fight against trafficking in persons through the development of relationships with NGOs and participation in international conferences. The government has developed consular guidelines for Canadian diplomats on combating sexual exploitation of children by Canadians abroad. These guidelines describe Canada's law against child sex tourism and encourage referral of complaints to the local law enforcement/local Interpol office/RCMP liaison officer. The Department of Foreign Affairs was unable to provide any specific examples of cases in which Canadian Embassies assisted trafficking victims during the reporting period, however.

The RCMP has updated its TIP reference guide for Canadian law enforcement agencies to include additional information about the identification and protection of TIP victims and useful tips for interviewing victims. The government will distribute the guides to law enforcement agencies throughout Canada. Training for law enforcement officers includes sensitization to the special needs of TIP victims prior to the execution of operations, such as a raid on a massage parlor where both victims and offenders may be on-site. The RCMP has also developed step-by-step guidelines for international and domestic cases on how to treat victims once they are identified. In conjunction with its federal partners, the RCMP prepared an anti-TIP training film on how to identify and protect victims. The RCMP shows the film to NGOs and law enforcement groups. The RCMP is currently developing a new awareness film that will include information about domestic trafficking cases and labor trafficking.

1L. There is assistance for Canadians who might be repatriated as victims of trafficking. Social programs such as universal health care, emergency housing, legal aid or emergency financial assistance are primarily administered at the provincial/territorial levels. Canadian citizens are entitled to apply for these services, but the exact eligibility requirements based on financial need (such as legal aid or social assistance) vary from jurisdiction to jurisdiction. Landed immigrants will generally have access to the same benefits as Canadian citizens, although eligibility for such benefits will depend on the jurisdiction.

1M. There are no international organizations or NGOs

working with trafficking victims in Canada.

However, DFAIT provides support to combat trafficking in persons internationally through a variety of funding sources, including a C\$2.45 million (US\$2.31 million) annual contribution to the UN Office on Drugs and Crime (UNODC). Other examples of DFAIT-funded anti-TIP projects during the reporting period include:

-- capacity-building in international cooperation in criminal matters : organization of a seminar on

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International Legal Cooperation in the Caribbean and promotion of the use of the UN Convention against Transnational Organized Crime and its protocols as the legal basis for international cooperation;
-- strengthening national and regional capacities in preventing and combating trafficking in persons in Central America: support to governments, civil society, and the international community in the harmonization of legislation to comply with the requirements of the UN Convention against Transnational Organized Crime and its Protocols, in particular the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children; and,
-- combating trafficking in persons in Colombia: assistance to Colombia on the development of a national strategy against trafficking in persons and to support the prevention, investigation, and prosecution of trafficking in persons.

As noted in Section 4 (C), CIDA also funds a series of projects in West Africa, Southeast Asia, and countries from the former Soviet Union to promote collaboration with local authorities. Since 1996, the Department of Human Resources and Social Development has supported projects under the ILO's International Program for the Elimination of Child Labor to eliminate child slavery, debt bondage, serfdom, and other exploitative labor practices, most recently in the Caribbean and in Central and South America.

15. (SBU) PREVENTION

1A. The government undertakes a broad range of trafficking in persons prevention and awareness measures. In January 2008, the government provided new funding of C\$6 million (US\$5.7 million) to strengthen existing initiatives combating the sexual exploitation and trafficking of children. A portion of this was for a partnership that the Minister of Public Safety announced in January 2009 with CCSA and the RCMP to use the Crime Stoppers' national hotline as a central point for reporting suspected cases of human trafficking.

Through the Status of Women agency and its two funds -- the Women's Community Fund and the Women's Partnership Fund -- Canada supports community and collaborative projects to advance the equality of women, with violence against women one of the two priority issues.

The RCMP continues to work to raise awareness, both within the law enforcement community and the general public. In 2008, the RCMP conducted awareness sessions for approximately 4,000 members of civil society across Canada. The RCMP also works to raise awareness in the law enforcement community with several TIP tools, including a reference guide, awareness cards, posters, and a TIP film. These

awareness tools are part of law enforcement tool kits that hundreds of law enforcement officials received in 2008.

CIC, in collaboration with the Department of Human Resources and Social Development, distributes information to temporary foreign workers informing them where they can seek assistance on issues related to employment as well as health and safety standards. Live-in caregivers and their employers receive information from a CIC publication, "The

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Live-In Caregiver Program." The publication contains a sample contract, contact information for provincial/territorial labor standards officers, and live-in caregiver associations. The Canadian visa office in Manila funds in-person group orientation sessions further to prepare live-in caregivers for work in Canada.

Regarding projects that target vulnerable or potential trafficked victims, the National Crime Prevention Center supports trafficking prevention programs from a policy perspective. It funded the development of a practical assessment tool, called "Guidance on Local Safety Audits: A Compendium of International Practice," which identified the means to gather a clear picture of crime and victimization in a given city, specified key populations and issues that should be examined, and outlined sources for information. The Center has also funded preventive actions for populations most vulnerable to trafficking, such as street youth, sexually exploited children and youth, youth involved with drugs, and women involved in the sex trade. The Center has also established aboriginal specific initiatives. See Section 4 (M) for additional information on Canada's international technical assistance projects that include prevention and awareness-raising.

11B. The government monitors immigration and emigration patterns for evidence of trafficking, and law enforcement agencies screen for potential trafficking victims along borders.

Joint U.S.-Canadian Integrated Border Enforcement Teams (IBETs) enhance border integrity and security along the U.S.-Canada border by identifying, investigating, and interdicting persons and organizations that pose a threat to national security or are engaged in other border-related criminal activity. There are 15 IBET regions with 24 locations along the border. IBET's core agencies include the RCMP and CBSA on the Canadian side, and CBP, ICE, and the U.S. Coast Guard on the USG side. In addition to these five core agencies, there are federal, provincial, state, and municipal agencies within IBET.

Integrated Border Intelligence Teams (IBITs) support IBETs and partner agencies by collecting, analyzing, and disseminating tactical, investigative, and strategic intelligence information pertaining to cross border crime between the U.S. and Canada. They share this intelligence with participating agencies to target international/national/criminal organizations.

The Criminal Visa Screening Unit at the RCMP gathers intelligence on potential travelers to Canada from foreign countries for the purpose of targeting organized crime. It is currently expanding specifically to focus on trafficking in persons.

The enhanced criminal screening process along with location visits and on-site interviews in Canada by RCMP and CBSA determine the validity of travel requests, the accuracy of information presented by visitors, and potential organized crime links.

CBSA monitors irregular migration to Canada and QCBSA monitors irregular migration to Canada and publishes regular intelligence analyses, which identify trends and patterns in irregular migration and migration-related crime, including trafficking

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in persons. In addition, CBSA performs a number of functions to prevent trafficking of persons into Canada to deter trafficking organizations from using Canada as a destination country or a transit country, and to investigate and support the prosecution of trafficking offenders, including:

- Migration Integrity Officers (MIOs) work with airline security and local authorities in 45 countries to prevent irregular migration, including migrant smuggling, by interdicting individuals before they arrive in Canada;
- MIOs provide advice to airlines on persons who may be attempting to travel without proper documentation, and assist visa officers in combating visa fraud;
- MIOs work with international law enforcement partners to detect trends and patterns in irregular migration and collect and report intelligence information on irregular migration, organized migration crime rings, and the routes and methods they use;
- visa officers posted abroad by CIC are also trained to be vigilant in identifying possible TIP victims when examining both permanent and temporary applications submitted abroad;
- CBSA maintains Border Services Officers at 245 Ports of Entry, who examine foreign nationals seeking entry to Canada to ensure they have genuine, properly-obtained travel documents, and are entering Canada for a genuine and lawful purpose;
- enforcement officers receive training to identify possible TIP victims in order to refer them to CIC officials.

Canadian immigration visa officers and MIOs at Canadian missions abroad collaborate on anti-fraud activities overseas to ensure the integrity of the Canadian managed migration program. Canada also cooperates with national police, as well as the migration and law enforcement officers of various embassies, to identify, investigate, and shut down criminal organizations involved in document forgery and trafficking in persons. Canadian immigration officers also provide technical assistance to support collaborative efforts with other countries on trafficking.

During the rating period, the government introduced a proposed "Act to Amend the Immigration and Refugee Protection Act" that would allow immigration officers, on the instructions of the Minister of Citizenship, Immigration, and Multiculturalism, to use their discretion to refuse to issue work permits in situations where individuals might be subjected to humiliating or degrading treatment, including sexual exploitation. The bill lapsed upon the dissolution of Parliament before the October 2008 federal election, and the government has not yet re-introduced it in the new Parliament.

1C. There is a mechanism for coordination and communications among agencies on trafficking-related matters, the IWGTIP, as described in Section 2 (B).

Canada fully recognizes the importance of collaboration with domestic partners, including the provinces and territories, as well as members of civil society, more effectively to combat trafficking in persons. The RCMP delivered presentations on raising awareness of trafficking in persons to civil society and the general public.

Provincial and territorial governments also work

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with NGOs to fight trafficking in persons. In 2007, British Columbia's provincial Ministry of Public Safety and its Solicitor General launched Canada's first provincial Office to Combat Human Trafficking (OCTIP) to identify gaps and barriers to providing services to trafficked persons, and, in partnerships with key stakeholders, to develop a comprehensive protocol. In November 2008, the BC OCTIP held its first-ever conference bringing together law enforcement, NGOs, academics, government, and political representatives. Representatives from U.S. Consulate Vancouver, including the ICE attache, participated. With NGOs predicting an increase in human trafficking for the Vancouver 2010 Winter Olympic Games, the BC OCTIP intends to play an important role in combating trafficking in the province.

1D. Canada does not have a formal national action plan. In its efforts to combat trafficking, however, Canada focuses on a framework around what it calls the four "Ps:" prevention, protection of victims, prosecution of offenders, and through partnerships.

1E. Canada has undertaken several strategies to combat trafficking in persons by addressing demand. Notably, Canada's criminal laws against trafficking, prostitution, assault, sexual assault, and forcible confinement help dissuade persons from engaging in conduct that fuel the demand for exploitative labor or services. In addition, Canada's trafficking offenses address not only the trafficking of persons, but also those who receive a financial or other material benefit from the commission of a trafficking offense. Canada's sex tourism offenses allow for the prosecution of those Canadian citizens or permanent residents who travel abroad to engage in prohibited sexual activity with children.

Canada also addresses demand by supporting programs that raise awareness and train law enforcement officials to identify victims and prosecute offenders. Canada supports prevention awareness and research to address demand. See Sections 3 (M) and 5 (F) for examples of efforts to prevent the demand for child sex tourism.

The government has continued to provide financial support for the Canadian Center for Child Protection, a national charitable organization, in order to pursue more leads from the public about the suspected on-line exploitation of children, to raise public awareness better to protect children, and to develop educational materials on issues related to child sexual exploitation. The Center also runs Cybertip.ca, Canada's tip line for reporting on-line child sexual exploitation, and "Kids in the Know," a comprehensive personal safety and sexual exploitation prevention program.

1F. Canada is adamantly opposed to participation in international child sex tourism by its nationals and has undertaken a variety of measures to reduce it.

See Section 3 (M) for how Canada's criminal laws address child sex tourism.

The RCMP is the international contact point for investigation and assignment of files involving investigation and assignment of files involving Canadian suspects and victims of Internet-facilitated child sexual exploitation. The RCMP's National Child Exploitation Coordination Center

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receives information through national and international partnerships, Interpol, and domestic law enforcement. Individuals engaged in sex tourism are included in this information due to their use of the Internet in organizing and communicating travel activities as well as posting/distributing sex abuse images. The Center coordinates intelligence and provides investigations support and expertise to enable Canadian law enforcement to investigate these offenses.

DFAIT's tourist publication, "Bon Voyage, But..." advises Canadian travelers of the Canadian child sex tourism offense and warns that child sexual exploitation may also be prohibited in the destination country. DFAIT provides related information in its Country Reports for travelers to consult prior to departure. The government has developed an awareness-raising poster (www.voyage.gc.ca/main/pubs/child_ensure-en.asp). See Section 4 (K) for guidelines for consular officers posted abroad.

The government's funding for the Canadian Center for Child Protection also addresses child sex tourism, as many child sex tourists exchange information and locate victims via the Internet. See Section 5 (E). Cybertip.ca is one way the Center is fighting on-line child exploitation, which is often connected to child sex tourism.

NGOs and outside experts have suggested that Canada could additionally help to curb child sex tourism and to increase prosecutions by requiring child sex offenders listed on the National Sex Offender Registry to receive permission to leave the country, and/or by restricting passports of child sex offenders who are deemed to be a risk to children abroad. Currently, child sex offenders are not required to report their absence from Canada unless they will be abroad for more than fourteen days. In November 2007, a Member of Parliament introduced a non-binding motion in the House of Commons to allow the Foreign Minister, at the request of a competent authority, to refuse to issue a passport to, or cancel a passport of, a person suspected to pose a danger to a child. The Commons did not debate the motion before the dissolution of Parliament in advance of the October 2008 federal election.

In January 2009, a Member of Parliament introduced private member's bill -- An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)? -- that would amend the Criminal Code to include a mandatory minimum sentence of five years for cases where the trafficked victims were under the age of eighteen. The bill remains under consideration in the House of Commons.

1G. See Section 3 (L) for measures adopted to ensure that Canadian nationals deployed abroad do not engage in human trafficking or exploitation. The Canadian military justice system has jurisdiction over disciplinary issues involving members of the

Canadian Forces who are participating in operations outside of Canada, whether under as part of a UN or other multilateral mission. Disciplinary action can also be taken under the Code of Service Discipline to address an alleged act of omission committed by someone while outside Canada when that act or omission is an offense under the law in the place

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where it occurs. The Department of National Defence remains committed to comprehensive implementation of the NATO Policy on Combating Trafficking in Human Beings, and has made concerted efforts to ensure the provision of all necessary knowledge, values, and skills to all members of the Canadian Forces, as well as to civilian contractors on international missions.

See Section 4 (M) for a summary of a recent project Canada supported to provide anti-trafficking training to peacekeepers in the Americas.

16. (SBU) TIP Hero ? Professor Benjamin Perrin

Benjamin Perrin, founder of the NGO ?Future Group? and widely recognized as one of Canada?s leading TIP activists, has been instrumental in raising awareness of human trafficking in Canada. The Future Group?s report on the 2010 Vancouver Olympic Games prompted greater attention to the risk of trafficking, and called for greater federal-provincial cooperation to disrupt trafficking networks, prosecute traffickers, and protect trafficking victims. Perrin has advocated the adoption of a Canadian national action plan to combat human trafficking, and has pushed for stronger enforcement and more effective victim services. Perrin has several ongoing research projects that will provide Canada?s first comprehensive account of human trafficking and propose concrete policy recommendations. An assistant professor at the University of British Columbia?s (UBC) Faculty of Law, and chairman of the UBC Human Trafficking working group, Perrin used documents identified by the ?Access to Information Act? to identify 31 cases of TIP flagged by immigration officials between 2006 and 2008, which helped bring about greater public knowledge of source countries for trafficking to Canada. Perrin?s research further revealed that these cases likely only represented a small number of the actual number of victims. Perrin?s investigative work has increased Canada?s understanding of the role of different agencies in referring trafficking victims for TRPs. A member of the Law Society of Upper Canada and Canadian Bar Association, Perrin served in 2006 as senior policy advisor to the Minister of Citizenship and Immigration. He has testified before the House of Commons on trafficking issues, and has been recognized with the Queen?s Golden Jubilee Medal by the Governor General and as one of the ?best and brightest? by ?Maclean?s? magazine. Perrin has been vetted through Post databases and has no apparent visa ineligibilities or derogatory information.

17. (U) Point of contact is Poloff Alexander Schrank (SchrankAD@state.gov, phone: 613-688-5240, fax: 613-688-3098).

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Political Minister Counselor (FE-OC): 4 hours
Deputy Political Counselor: 2 hours
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Political OMS (FS-06): 1 hour
Consulates: 10 hours
Total: 100 hours

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